

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ATAIN SPECIALTY INSURANCE
COMPANY, a Michigan corporation,

Plaintiff,

v.

AMCE PHYSICIANS GROUP, a Utah forprofit
corporation; JEREMY SENSKE, an
individual; KATIE N. MOSS, an individual;
and CODY L. MACFADYEN, an
individual,

Defendants.

NO. 3:21-CV-5689

**DEFENDANTS KATIE MOSS AND
CODY MACFADYEN'S ANSWER AND
AFFIRMATIVE DEFENSES**

Defendants Moss and MacFadyen ("Defendants") answer Plaintiff Atain Specialty Insurance Company's Complaint as follows:

I. PARTIES AND JURISDICTION

1.1 Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies.

1.2 Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies.

1 **1.3** Defendants lack knowledge or information sufficient to form a belief about the
2 truth of the allegations and therefore denies.

3 **1.4** Deny.

4 **1.5** Deny.

5 **1.6** Admit.

6 **1.7** Defendants lack knowledge or information sufficient to form a belief about the
7 truth of the allegations and therefore denies.

8 **1.8** Defendants lack knowledge or information sufficient to form a belief about the
9 truth of the allegations and therefore denies.

10 **II. PARTIES AND JURISDICTION**

11 **2.1** Defendants lack knowledge or information sufficient to form a belief about the
12 truth of the allegations and therefore denies.

13 **2.2** Defendants lack knowledge or information sufficient to form a belief about the
14 truth of the allegations and therefore denies.

15 **2.3** Defendants lack knowledge or information sufficient to form a belief about the
16 truth of the allegations and therefore denies.

17 **2.4** Defendants lack knowledge or information sufficient to form a belief about the
18 truth of the allegations and therefore denies.

19 **2.5** Defendants lack knowledge or information sufficient to form a belief about the
20 truth of the allegations and therefore denies.

21 **2.6** Defendants lack knowledge or information sufficient to form a belief about the
22 truth of the allegations and therefore denies.
23

1 **2.7** Defendants lack knowledge or information sufficient to form a belief about the
2 truth of the allegations and therefore denies.

3 **2.8** Defendants lack knowledge or information sufficient to form a belief about the
4 truth of the allegations and therefore denies.

5 **2.9** Defendants lack knowledge or information sufficient to form a belief about the
6 truth of the allegations and therefore denies.

7 **2.10** Defendants lack knowledge or information sufficient to form a belief about the
8 truth of the allegations and therefore denies.

9 **2.11** Admit.

10 **2.12** Admit in part, the underlying Complaint alleges negligent supervision for
11 permitting Senske to become intoxicated at work, and thereby causing damages. Deny
12 remainder of allegations.

13 **2.13** Admit.

14 **2.14** Admit.

15 **2.15** Admit.

16 **2.16** Admit in part, the underlying Complaint alleges negligent supervision for
17 permitting Senske to become intoxicated at work, and thereby causing damages. Deny
18 remainder of allegations.

19 **2.17** Admit in part, the underlying Complaint alleges negligent supervision for
20 permitting Senske to become intoxicated at work, and thereby causing damages. Deny
21 remainder of allegations.

22 **2.18** Admit.

1 **3.8** Defendants lack knowledge or information sufficient to form a belief about the
2 truth of the allegations and therefore denies.

3 **3.9** Defendants lack knowledge or information sufficient to form a belief about the
4 truth of the allegations and therefore denies.

5 **3.10** Defendants lack knowledge or information sufficient to form a belief about the
6 truth of the allegations and therefore denies.

7 **3.11** Defendants lack knowledge or information sufficient to form a belief about the
8 truth of the allegations and therefore denies.

9 **3.12** Defendants lack knowledge or information sufficient to form a belief about the
10 truth of the allegations and therefore denies.

11 **3.13** Defendants lack knowledge or information sufficient to form a belief about the
12 truth of the allegations and therefore denies.

13 **3.14** Deny.

14 **3.15** Deny.

15 **3.16** Deny.

16 **3.17** Defendants lack knowledge or information sufficient to form a belief about the
17 truth of the allegations and therefore denies.

18 **3.18** Defendants lack knowledge or information sufficient to form a belief about the
19 truth of the allegations and therefore denies.

20 **3.19** Defendants lack knowledge or information sufficient to form a belief about the
21 truth of the allegations and therefore denies.

22 **3.20** Defendants lack knowledge or information sufficient to form a belief about the
23 truth of the allegations and therefore denies.

1 **3.21** Defendants lack knowledge or information sufficient to form a belief about the
2 truth of the allegations and therefore denies.

3 **3.22** Defendants lack knowledge or information sufficient to form a belief about the
4 truth of the allegations and therefore denies.

5 **3.23** Admit, in part. Defendants Moss and MacFadyen make claims for damages
6 arising from Defendant AMCE's negligent supervision of Defendant Senske.

7 **3.24** Defendants lack knowledge or information sufficient to form a belief about the
8 truth of the allegations and therefore denies.

9 **3.25** Defendants lack knowledge or information sufficient to form a belief about the
10 truth of the allegations and therefore denies.

11 **3.26** Deny.

12 **3.27** Defendants lack knowledge or information sufficient to form a belief about the
13 truth of the allegations and therefore denies.

14 **3.28** Defendants lack knowledge or information sufficient to form a belief about the
15 truth of the allegations and therefore denies.

16 **3.29** Defendants lack knowledge or information sufficient to form a belief about the
17 truth of the allegations and therefore denies.

18 **3.30** Defendants lack knowledge or information sufficient to form a belief about the
19 truth of the allegations and therefore denies.

20 **3.31** Defendants lack knowledge or information sufficient to form a belief about the
21 truth of the allegations and therefore denies.

22 **3.32** Defendants lack knowledge or information sufficient to form a belief about the
23 truth of the allegations and therefore denies.

1 **3.33** Deny.

2 **3.34** Deny.

3 **3.35** Deny.

4 **3.36** Defendants lack knowledge or information sufficient to form a belief about the
5 truth of the allegations and therefore denies.

6 **3.37** Defendants lack knowledge or information sufficient to form a belief about the
7 truth of the allegations and therefore denies.

8 **3.38** Defendants lack knowledge or information sufficient to form a belief about the
9 truth of the allegations and therefore denies.

10 **3.39** Defendants lack knowledge or information sufficient to form a belief about the
11 truth of the allegations and therefore denies.

12 **3.40** Defendants lack knowledge or information sufficient to form a belief about the
13 truth of the allegations and therefore denies.

14 **3.41** Defendants lack knowledge or information sufficient to form a belief about the
15 truth of the allegations and therefore denies.

16 **3.42** Defendants lack knowledge or information sufficient to form a belief about the
17 truth of the allegations and therefore denies.

18 **3.43** Defendants lack knowledge or information sufficient to form a belief about the
19 truth of the allegations and therefore denies.

20 **3.44** Defendants lack knowledge or information sufficient to form a belief about the
21 truth of the allegations and therefore denies.

22 **3.45** Defendants lack knowledge or information sufficient to form a belief about the
23 truth of the allegations and therefore denies.

1 4. Defendants' damages were caused by the acts and omissions of Defendant
2 AMCE in failing to adequately train, monitor, and supervise its employee, Jeremy Senske.

3 5. Plaintiff failed to mitigate its damages.

4 **V. PRAYER FOR RELIEF**

5 WHEREFORE, Defendants request a judgment against the Defendant:

- 6 (a) Dismissing Plaintiff's complaint with prejudice and with costs;
7 (b) For all Defendant's attorney's fees and costs incurred herein; and
8 (c) For such further relief as the court deems just and equitable.

9 DATED this 22nd day of November, 2021.

10 CONNELLY LAW OFFICES, PLLC

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